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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,043	11/17/2003	Wei Ding	AP818CIP	1154

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EXAMINER	
CHENG, JACQUELINE	
ART UNIT	PAPER NUMBER
3768	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

Office Action Summary	Application No.	Applicant(s)	
	10/713,043	DING, WEI	
	Examiner	Art Unit	
	Jacqueline Cheng	3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/978595.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 3-6, filed September 14, 2006, with respect to the rejection(s) of claim(s) 1-26 under 35 U.S.C. 103(a) as unpatentable over Elliott (US Publication No 2003/0139700) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ishikawa (US 6,398,710 B1).

Terminal Disclaimer

2. The terminal disclaimer filed on September 15, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,650,930 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/978,595 now patent number 6,650,930, filed on October 18, 2001.

Claim Objections

4. **Claim 3** is objected to because of the following informalities: the last line of the claim which is dependent upon claim 1 reads "each target dose associated with the corresponding

identifier". Claim 1 does not describe any such "target dose". The examiner believes the applicant means --measured dose-- instead of "target dose" and has examined the claim as such. Appropriate correction is required.

5. **Claim 14** is objected to because of the following informalities: the last part of claim 14 reads 'each target does associated..." "does" should read --dose--. Appropriate correction is required.

6. **Claim 15** is objected to because of the following informalities: the last part of claim 15 which reads "each target dose associated with the corresponding identifier" is not further limiting from it's dependent claim, claim 14, which is meant to read (see previous paragraph) "each target dose associated with the corresponding identifier". The examiner believes the applicant means --measured dose-- instead of "target dose" and has examined the claim as such. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 1, 3, 6-13 and 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa (US 6,398,710 B1).

9. **Claims 1, 3, and 13:** Ishikawa discloses a radiation dosimetry system that uses miniature implanted transponder balls as radiation sensors. There radiation sensors are placed in the body

and provides a radiation dosimetry report to a CPU during irradiation thereof , of the dosage level each sensor is experiencing (abstract, col. 5 line 42-47). Each radiation sensor also has a individual unique identifier of which is polled and allows its location to be identified and superimposed as a plurality of graphic artifacts on a representation of an image of the body part that is irradiated (col. 5 line 23-31). An example of this representation can be seen in figure 2. Although the representation in figure 2 of each artifact which corresponds to the position of a corresponding sensor relative to the body part does not display the identifier, since each sensor already has a unique identifier, it would be obvious to one skilled in the art at the time of the invention to mark or somehow display the identifier to identify each artifact. This would be obvious as the physician would have to know which radiation sensor is reading what dosage or else the listing of the dosage readings would not be helpful in determining if the radiation is being applied as desired.

10. **Claims 6, 8-10, 18, and 20-22:** Ishikawa does not explicitly disclose how the radiation dosage level for each sensor is displayed or how the radiation locations are identified. These limitations are design choices and can be displayed in any way known in the art. To display information in a table, to print out information, having an identifier separate from the icon artifact and with a lead line connecting the two are all very well known display methods known in the art.

11. **Claims 7, 11, 12, 19, and 23-26:** Ishikawa discloses that the graphic artifacts are superimposed on a fluoroscopic map of the area (col. 5 line 30-31). It would be obvious to one skilled in the art at the time of the invention to further the utility of Ishikawa to superimpose the

artifacts on any known imaging modality that is known in the art at the time of the invention such as computer generated images and photos of the patient body.

12. **Claims 2, 4, 5, and 14-17** are rejected under U.S.C. 35 103(a) as being unpatentable over Ishikawa in view of Elliott (US Publication No 2003/0139700 A1). Although Elliott discloses a user interface for a radioisotope system displaying information from a seed about the particular radiation dosage instead of from a radiation sensor about the particular radiation dosage, it is still displaying information about a target dosage amount versus an actual dosage amount . All radiation dosage systems have a target dosage which one wants to apply. Ishikawa does not explicitly disclose displaying such information, but does disclose a predetermined range which is the target dosage. It would be obvious to one skilled in the art at the time of the invention to combine the ideas of Elliott of actually displaying the target information next to the actual dosage information (whether of dosage of seed given or dosage a particular area is receiving) to further the utility of Ishikawa to make the display very clear and easy to read if the target dosage is being reached, or if it is being surpassed. Also it would further the utility of Ishikawa to display listing of a deviation of a measured radiation dosage from a target dose to help the operator to easily see how far and how much longer the radiation should be applied in order to reach the target goal (paragraphs 0057-0059 of Elliott, col. 5 line 45-51 of Ishikawa).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Black (US Publication 2005/0090738 A1).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Cheng whose telephone number is 571-272-5596. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on 571-272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

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